

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

Charlotte Division

Al Smile

) Case No.

3:19-cv-161-GCM

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Legacy Ballantyne, LLC  
Crestmont At Ballantyne Apartments, LLC  
GCI Residential, LLC  
Connie Axiotis/Wendy Sikorski

FILED  
CHARLOTTE, NC

APR - 3 2019

US DISTRICT COURT  
WESTERN DISTRICT OF NC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT AND REQUEST FOR INJUNCTION

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Al Smile
Street Address	4117 Park Rd # 11571
City and County	Charlotte/Mecklenburg
State and Zip Code	North Carolina 28209
Telephone Number	704-975-2529/ or 980-229-1732
E-mail Address	alsmile1@gmail.com

#### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Legacy Ballantyne, LLC</u>
Job or Title ( <i>if known</i> )	<u>Apartment Complex Manager</u>
Street Address	<u>9200 Otter Creek Dr</u>
City and County	<u>Charlotte/ Mecklenburg County</u>
State and Zip Code	<u>North Carolina 28277</u>
Telephone Number	<u>704-542-6330</u>
E-mail Address ( <i>if known</i> )	<u>caxiotis@gciresidential.com</u>

Defendant No. 2

Name	<u>Crestmont At Ballantyne Apartments, LLC</u>
Job or Title ( <i>if known</i> )	<u>Apt Complex Mgr (Legacy Ballantyne)-</u>
Street Address	<u>9200 Otter Creek Dr</u>
City and County	<u>Charlotte/ Mecklenburg County</u>
State and Zip Code	<u>North Carolina 28277</u>
Telephone Number	<u>704-542-6330</u>
E-mail Address ( <i>if known</i> )	<u>caxiotis@gciresidential.com</u>

Defendant No. 3

Name	<u>GCI, Residential, LLC</u>
Job or Title ( <i>if known</i> )	<u>Regional Manager of Apt Complexes-</u>
Street Address	<u>10720 Sikes PL Suite # 150</u>
City and County	<u>Charlotte/ Mecklenburg County</u>
State and Zip Code	<u>28277</u>
Telephone Number	<u>704-375-4509</u>
E-mail Address ( <i>if known</i> )	<u>wsikorski@gciresidential.com</u>

Defendant No. 4

Name	<u>Connie Axiotis and/or Wendy Sikorski</u>
Job or Title ( <i>if known</i> )	<u>Apt Complex Manager and Regional, Apt Complex Manager</u>
Street Address	<u>10720 Sikes PL Suite # 150</u>
City and County	<u>Charlotte/ Mecklenburg County</u>
State and Zip Code	<u>North Carolina 28277</u>
Telephone Number	<u>704-375-4509 or 704-542-6330</u>
E-mail Address ( <i>if known</i> )	<u>caxiotis@gciresidential.com or wsikorski@gciresidential.com</u>

*Defendant #5*

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

Federal question  Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

18 USC 241

42 USC 3631

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, (name) \_\_\_\_\_, is a citizen of the \_\_\_\_\_  
State of (name) \_\_\_\_\_

##### b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated  
under the laws of the State of (name) \_\_\_\_\_,  
and has its principal place of business in the State of (name) \_\_\_\_\_

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of  
the State of (name) \_\_\_\_\_, Or is a citizen of  
(foreign nation) \_\_\_\_\_

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

*The OFFICE mgr participated in many these Privacy invasions and intrusions. I am initially requesting the Court Grant initial monetary relief due to the circumstances that this Entity & its Representatives are responsible for the dire state my son & I have been put in. I'd like the Court to issue an order demanding I immediately receive my Awards & Paid (19 X \$590.00) \$27,030.00 Also reasonable Reimbursement for my fine legal fees of \$10,000.00*

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

*Charlotte, North Carolina, in various places and in many different kinds of ways!*

B. What date and approximate time did the events giving rise to your claim(s) occur?

*Btw JAN-2018 - JAN-2019 / much of the Stalking, Harassing, Invasion of Peaced Privacy and many countless Cyber Attacks & Intrusions! much of this still continues! Now!*

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I filed a suit/complaint against said Entity for failing to cooperate with utility seeking bldg permit to repair fiber cable \$ 8,000.00 job utility was paying. They retaliated when given the opportunity & com NY Son's mom Myself instead of outcome many of their Sabotage Attempts failed where as ONE was quite troubling & concerning when the APT complex man staged a scene in an attempt to either have me removed by force or arrested. They D101 (C) D102 (C) D103 (C) D104 (C) D105 (C) D106 (C) D107 (C) D108 (C) D109 (C) D110 (C) D111 (C) D112 (C) D113 (C) D114 (C) D115 (C) D116 (C) D117 (C) D118 (C) D119 (C) D120 (C) D121 (C) D122 (C) D123 (C) D124 (C) D125 (C) D126 (C) D127 (C) D128 (C) D129 (C) D130 (C) D131 (C) D132 (C) D133 (C) D134 (C) D135 (C) D136 (C) D137 (C) D138 (C) D139 (C) D140 (C) D141 (C) D142 (C) D143 (C) D144 (C) D145 (C) D146 (C) D147 (C) D148 (C) D149 (C) D150 (C) D151 (C) D152 (C) D153 (C) D154 (C) D155 (C) D156 (C) D157 (C) D158 (C) D159 (C) D160 (C) D161 (C) D162 (C) D163 (C) D164 (C) D165 (C) D166 (C) D167 (C) D168 (C) D169 (C) D170 (C) D171 (C) D172 (C) D173 (C) D174 (C) D175 (C) D176 (C) D177 (C) D178 (C) D179 (C) D180 (C) D181 (C) D182 (C) D183 (C) D184 (C) D185 (C) D186 (C) D187 (C) D188 (C) D189 (C) D190 (C) D191 (C) D192 (C) D193 (C) D194 (C) D195 (C) D196 (C) D197 (C) D198 (C) D199 (C) D200 (C) D201 (C) D202 (C) D203 (C) D204 (C) D205 (C) D206 (C) D207 (C) D208 (C) D209 (C) D210 (C) D211 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IV. Irreparable Injury Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

I presently have serious heart health issues. Much of the stress these past couple yrs have contributed greatly. I have a ~~special~~ Special need son who has been extremely ~~affected~~ affected by this. This corporation or Entity caused directly or indirectly my health to deteriorate to my son & I. We up had to sell all to survive. We have used up all of our favors with family. This pain & misery which has reached an extremely dangerous state was caused by them and they should be responsible for providing us with immediate relief.

These indescribable acts of unspeakable horror violated our rights! The attempt to stage a scene to have me arrested & my life threatening to my son & I. This Entity with its men participated and collaborated & accomplished private investigator to stalk my son & I. They stayed my water for 18 days from 8:00 A.M. to 5:00 P.M. as punitive damages for me as I was the whistleblower that reported to the city that water recycling system was contaminated after they really spanked over other well. They had a in count over other well. This

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

04/03/2019

Signature of Plaintiff

AL Z. Smile

Printed Name of Plaintiff

AL Z. Smile

**B. For Attorneys**

Date of signing:

Signature of Attorney

\_\_\_\_\_

Printed Name of Attorney

\_\_\_\_\_

Bar Number

\_\_\_\_\_

Name of Law Firm

\_\_\_\_\_

Street Address

\_\_\_\_\_

State and Zip Code

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Telephone Number

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E-mail Address

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